

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTINA SMITH, individually and as  
next friend of her son, Joshua England,

Plaintiff,

v.

**Case No.: 19-cv-470-G**

JOE ALLBAUGH, CARL BEAR,  
ROBERT BALOGH, WENDELL MILES,  
LAURA HAYS, LAURA NOBLE,  
OKLAHOMA DEPARTMENT OF  
CORRECTIONS OFFICERS JOHN DOES  
#1-10, and CASE MANAGER RICHARD  
ROE,

Defendants.

**JOINT MOTION FOR PROTECTIVE ORDER AND BRIEF IN SUPPORT**

For their Joint Motion for Protective Order and Brief in Support, the parties state the following:

1. Plaintiff issued a document subpoena to nonparty Oklahoma Department of Corrections.
2. The Oklahoma Department of Corrections objected to the subpoena. *See* Ex. 1. Defendants moved to quash the subpoena based, in part, on the claim that certain information should not be produced until a stipulated protective order had been entered. Doc. 43 at 6. The Parties have agreed to the terms of the attached proposed stipulated protective order to facilitate that production. The Oklahoma Department of Corrections has gathered certain documents responsive to the Plaintiff's subpoena, which it will produce to Plaintiff upon entry of this Protective Order. However, by agreeing to the

stipulated protective order, Defendants do not waive their other arguments concerning discovery, specifically that this action should be stayed pending the appeal. *See* Motion to Stay Case by All Defendants (Doc. 50). By agreeing to this Protective Order, Plaintiff also reserves the right to move at a later time in the litigation for a different Protective Order to govern future production by the parties and non-parties other than the Department of Corrections.

3. The Court has authority to enter this protective order pursuant to Fed. R. Civ. P. 26(c).

WHEREFORE, the parties respectfully request that the Court enter the Protective Order attached hereto as Exhibit 2.

Respectfully submitted,

s/ Devan A. Pederson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of June, 2020, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of the Notice of Electronic Filing to the following ECF registrants:

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s/ Devan A. Pederson  
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